

70
8/26/91
1 Earle C. Cooley
2 COOLEY, MANION, MOORE & JONES, P.C.
3 21 Custom House Street
4 Boston, Massachusetts 02110
5 (617) 737-3100

6 William T. Drescher
7 23679 Calabasas Road, Suite 338
8 Calabasas, California 91302
9 (818) 591-0039

10 Attorneys for Defendants
11 CHURCH OF SPIRITUAL TECHNOLOGY and
12 RELIGIOUS TECHNOLOGY CENTER

13 Eric Lieberman
14 RABINOWITZ, BOUDIN, STANDARD,
15 KRINSKY & LIEBERMAN, P.C.
16 740 Broadway at Astor Place
17 New York, New York 10003-9518
18 (212) 254-1111

19 John J. Quinn
20 QUINN, KULLY & MORROW
21 520 S. Grand Ave., 8th Floor
22 Los Angeles, CA 90071
23 (213) 622-0300

24 Laurie J. Bartilson
25 BOWLES & MOXON
26 6255 Sunset Blvd.,
27 Suite 2000
28 Los Angeles, CA 90028
(213) 661-4030

Attorneys for Defendant
CHURCH OF SCIENTOLOGY
INTERNATIONAL

Michael Lee Hertzberg
740 Broadway, Fifth Floor
New York, New York 10003
(212) 982-9870

James H. Berry, Jr.
BERRY & CAHALAN
2049 Century Park East
Suite 2750
Los Angeles, CA 90067
(213) 284-2183

Attorneys for Defendant
AUTHOR SERVICES, INC.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

22 VICKI J. AZNARAN and) CASE No. CV 88-1786 JMI(Ex)
23 RICHARD N. AZNARAN,)
24 Plaintiffs,) SUPPLEMENTAL MEMORANDUM IN SUPPORT
25 v.) OF DEFENDANTS' MOTION TO DISMISS
26 CHURCH OF SCIENTOLOGY OF) COMPLAINT WITH PREJUDICE;
27 CALIFORNIA, et al.,) DECLARATIONS OF SAM BROWN, THORN
28 Defendants.) SMITH, EDWARD AUSTIN, LYNN R.
AND RELATED COUNTERCLAIMS.) FARNY AND LAURIE J. BARTILSON
DATE: To be determined
TIME: To be determined
COURTROOM: Hon. James M. Ideman

When the Court entered its Order of July 22, 1991,
vacating the appearance of Joseph A. Yanny ("Yanny") as
counsel for plaintiffs because that appearance was
"inappropriate and highly prejudicial to Defendants," and
reinstating Ford Greene ("Greene") as plaintiffs' counsel, the
Court undoubtedly intended that Yanny's participation in this
case would cease. Defendants predicted that mere
disqualification of Yanny would not cure the deep-rooted
problem, and accordingly filed their Motion to Dismiss the
Complaint. It has now come to defendants' attention that
Yanny's involvement in this case has in fact survived
that Order, and that Yanny has returned to his covert
representation of the Aznarans, similar to the arrangement that
existed prior to his direct entry into the case. As a result
of this information, defendants are forced to supplement their
motion to dismiss the complaint with prejudice, to bring to the
Court's attention Yanny's continuing participation in this
matter as additional grounds warranting dismissal.

There are two manifestations of Yanny's ongoing aid
to the Aznarans that are known to defendants. At this time,
they can only speculate as to what other involvement exists.
The assistance furnished by Yanny has taken the visible form of
supplying Greene with help from two of Yanny's present or
former employees.

The first of these employees, John Koresko, was formerly
the office manager, and later a paralegal for Yanny's law firm,
during the pendency of this litigation, Yanny's own litigation
with defendants herein and during the time that Yanny was

1 counsel to these defendants. (Ex. A, Deposition of John
2 Koresko, at 65-67.) Yet, as more fully detailed in the
3 declarations of Edward Austin, Thorn Smith and Lynn R. Farny,
4 subsequent to Yanny's disqualification from representing the
5 Aznarans, Koresko was seen at Greene's office on August 3 and
6 4. On August 3, Koresko arrived at Greene's office at 5:14
7 p.m. and was not observed leaving.^{1/}

8 The extensive involvement of Yanny's other employee
9 in this case following Yanny's disqualification also
10 recently came to the attention of defendants. On August
11 19, 1991, by order of the Court extending their time to
12 respond, plaintiffs had oppositions to six motions due. (Order
13 of August 9, 1991.) On that date, Greene filed three papers
14 with the Court, oppositions to two summary judgment motions and
15 a 53-page "Appendix." During the time period in which those
16 papers were being prepared, an individual named Gerald
17 Armstrong ("Armstrong") was observed at Greene's office
18 each day from August 15 through 19 for most of each of those
19 days. (Ex. D, Declaration of Sam Brown; Ex. E,
20 Declaration of Lynn R. Farny.) In addition, when Laurie
21 Bartilson, counsel for defendant Church of Scientology
22 International, called Greene's office on August 19 to arrange

23 1. While plaintiffs may try to pass off Koresko's presence as
24 a simple matter of returning the case files, this is belied by
25 the sworn testimony of their varying counsel. Yanny claimed on
26 July 31, 1991, that he had never received the file from Greene.
27 (Ex. B) On August 1, 1991, Greene swore that he had sent the
28 file to Los Angeles by Federal Express on June 27, 1991. (Ex.
C, Declaration of Ford Greene, para. 11.) He claimed that he
then received the case file from his new co-counsel, Mr.
Elstead - not Yanny - on July 31, 1991, three days before
Koresko's appearance at Greene's offices.

1 to have a courier pick up the oppositions, the telephone was
2 answered by a person who identified himself as Gerald Armstrong
3 ("Armstrong"). (Ex. F, Declaration of Laurie J. Bartilson,
4 para. 3.) When queried as to his presence there, Armstrong
5 stated that he was "helping out." (Id.) Additional papers
6 were late-filed with the Court by Greene on August 23, and not
7 surprisingly, Armstrong's presence at Greene's office continued
8 after the August 19 filings for several more days. (Ex. D,
9 Declaration of Sam Brown, para. 3.)

10 Armstrong has recently been identified as a paralegal
11 hired by Yanny to work with him on this case. Yanny
12 represented in argument to Los Angeles Superior Court that he
13 had "hired Armstrong as a paralegal to help [him] on the
14 Aznaran case." (Ex. G, Reporter's Transcript of August 6,
15 1991, at 25.) Armstrong confirmed this characterization, as did
16 Yanny in a declaration. (Ex. B, Declaration of Joseph A.
17 Yanny, July 31, 1991, para. 4; Ex. H, Declaration of Gerald
18 Armstrong, July 19, 1991, para. 4.) As Armstrong is Yanny's
19 paralegal on this case, his new affiliation as an assistant to
20 Ford Greene is truly outrageous. Not only has Yanny been
21 disqualified point blank by the Court from representing the
22 Aznarans, he has also been forbidden from directly or
23 indirectly acting as counsel against defendants on behalf of
24 the Aznarans or Gerald Armstrong by preliminary injunction
25 entered on August 6 at the hearing in which the statement was
26 proffered that Armstrong was his paralegal on this case.
27 Religious Technology Center, et al. v. Yanny, et al.,
28 Case No. BC 033035. (Ex. G, Transcript of August 6, 1991, at

1 3-4.)

2 This Court disqualified attorney Barry Van Sickle from
3 representing plaintiffs as being "an extension of Joseph
4 Yanny's continuing involvement in the instant action." (slip.
5 op. September 6, 1988). Here again, Yanny's involvement in
6 this case continues, this time through a different "extension"
7 -- the improper activities of Yanny's paralegal, Gerald
8 Armstrong, whose actions are just as improper as they would be
9 if done by a lawyer. In re Complex Asbestos Litigation 91
10 D.A.R. 8849 (1991).

11 That Armstrong is amenable to the kind of covert
12 representation in which Yanny is engaging in this case is
13 highlighted by his recorded remarks made in November 1984. At
14 that time, Armstrong was plotting against the Scientology
15 Churches and seeking out staff members in the Church who would
16 be willing to assist him in overthrowing Church leadership. The
17 Church obtained information about Armstrong's plans and,
18 through a police-sanctioned investigation, provided Armstrong
19 with the "defectors" he sought. On November 30, 1984, Armstrong
20 met with one Michael Rinder, an individual whom Armstrong
21 thought to be one of his "agents" (but who in reality was loyal
22 to the Church). In the conversation, recorded with written
23 permission from law enforcement, Armstrong stated the following
24 in response to questions by Mr. Rinder as to whether they had
25 to have actual evidence of wrongdoing to make allegations
26 in Court against the Church leadership:

27 ARMSTRONG: They can allege it. They can allege
28 it. They don't even have -- they can allege it.

1 RINDER: So they don't even have to -- like -- they
2 don't have to have the document sitting in front
3 of them and then --

4 ARMSTRONG: Fucking say the organization destroys
5 the documents.

6 * * *

7 Where are the -- we don't have to prove a goddamn
8 thing. We don't have to prove shit; we just have
9 to allege it.

10 (Ex. E, Declaration of Lynn R. Farny, para. 6.) With such
11 a criminal attitude, Armstrong fits perfectly into Yanny's game
12 plan for the Aznaran case.

13 It is apparent that Yanny's disqualification from this
14 case has simply driven him back underground. He challenged the
15 Court by appearing directly in this case and lost. So he now
16 sends his paralegals to aid Greene in his prosecution of the
17 case, thereby doing indirectly what this Court and the Los
18 Angeles Superior Court have forbidden him to do at all. Greene
19 and the Aznarans are obviously aware that the Court
20 disqualified Yanny and ruled his participation in this case to
21 be "highly prejudicial to Defendants" because of Yanny's former
22 representation of defendants. This was the same order which
23 removed Yanny and put Greene back into the case as plaintiffs'
24 counsel. Thus, the Aznarans, their former attorney and their
25 present attorney are equally culpable for permitting Yanny to
26 continue his participation in this case to the adjudicated

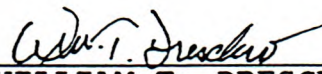
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28 ///

1 prejudice of defendants. Only the remedy of dismissal can
2 possibly disable their collusion in violation of defendants'
3 rights permanently.

4 Dated: August 26, 1991

Respectfully submitted,

5
6 
WILLIAM T. DRESCHER

7 Earle C. Cooley
8 COOLEY, MANION, MOORE
& JONES, P.C.

9 Attorneys for Defendants
10 CHURCH OF SPIRITUAL TECHNOLOGY
and RELIGIOUS TECHNOLOGY CENTER

11 Eric Lieberman
12 RABINOWITZ, BOUDIN, STANDARD,
KRINSKY & LIEBERMAN, P.C.

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20 BERRY & CAHALAN

21 Attorneys for Defendant
22 AUTHOR SERVICES, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

- - -

RELIGIOUS TECHNOLOGY	)	
CENTER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. C690211
	)	
JOSEPH A. YANNY, et al.,	)	
	)	
Defendants.	)	
-----	)	

DEPOSITION OF

JOHN J. KORESKO

LOS ANGELES, CALIFORNIA

TUESDAY, JANUARY 10, 1989

ATKINSON-BAKER AND ASSOCIATES
CERTIFIED SHORTHAND REPORTERS
704 South Victory Boulevard, Suite E
Burbank, California 91502
(818) 566-3840

REPORTED BY: KAREN E. HOIDA, CSR NO. 7081

FILE NO.: 890032

A P P E A R A N C E S

FOR PLAINTIFFS:

WYMAN, BAUTZER, KUCHEL & SILBERT
BY: JAMES H. BERRY, ESQ.
2049 Century Park East
14th Floor
Los Angeles, California 90067

FOR DEFENDANTS:

CUMMINS & WHITE
BY: SILVIO T. NARDONI, ESQ.
1600 Wilshire Boulevard
Los Angeles, California 90017-1695

ALSO PRESENT:

NICOLE GARCIA
Video Technician

ARON MASON
Paralegal

I N D E X

WITNESS: JOHN J. KORESKO

Examination	Page
By Mr. Berry	5

EXHIBITS:

Plaintiffs'	Page
1 Notice of deposition	17
2 200 pages of various documents produced in response to document request	159

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

(None)

INFORMATION TO BE SUPPLIED:

(None)

1 a paralegal. Then I was elevated to a different
2 position, and then I -- at a given point in time I
3 went back to paralegal.

4 Q. Okay. When did you first become
5 employed at Herzig & Yanny?

6 A. March '85.

7 Q. In what capacity?

8 A. Paralegal.

9 Q. What kinds of things did you do as a
10 paralegal then?

11 A. Research, draft documents, engage in
12 discovery, sit in on depositions. Normal paralegal
13 things. Write memos.

14 Q. How long did you have that
15 responsibility?

16 A. About four months.

17 Q. Did your responsibility change?

18 A. Yes. A -- Joe elevated me to an
19 office manager position. He needed a central
20 figure in the office to correlate the functions, so
21 he felt that I had the qualifications to make it a
22 cohesive office.

23 Q. And you were reporting directly to
24 him in that capacity?

25 A. Directly to him.

1 Q. How long did you hold that job?

2 A. From approximately June '85 to
3 October '87.

4 Q. October '87?

5 A. '87. '

6 Q. Were you continuously employed by
7 Herzig & Yanny during that period?

8 A. Yes.

9 Q. Did your job function change in
10 October of '87?

11 A. I quit.

12 Q. Did you go to work for somebody else?

13 A. No.

14 Q. Just quit?

15 A. I just had to get away. It was -- I
16 quit, but it was like a leave of absence type
17 thing. I just had to get away. Pressures, you
18 know. The girl pressures, office pressures, money
19 pressures.

20 Q. Just needed a break?

21 A. Los Angeles.

22 Q. Did you leave the city?

23 A. As a matter of fact, I did. I went
24 to Texas, spent a few weeks in Texas with my
25 brother, communed with nature in Arizona and Death

1 Valley, and just generally bummed around, feeling
2 sorry for myself.

3 Q. And then came back to work at Herzig
4 & Yanny?

5 A. Came back to work.

6 Q. And that --

7 A. They made me an offer I couldn't
8 refuse.

9 Q. That was in December of '87?

10 A. December of '87 I came back to work.

11 Q. Okay.

12 A. In a lesser capacity, less
13 responsibility.

14 Q. When you came back as a paralegal in
15 December of '87, was there a particular person or
16 persons who were designated as the office manager?

17 A. No.

18 Q. Has there been since?

19 A. No, sir.

20 Q. Is there any person who discharges
21 that function of being an administrative
22 coordinator or office manager?

23 A. I do a lot of the functions
24 unofficially. Mr. Yanny would be the last word on
25 decisions that I used to make.

1 STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES

)
) SS.
)

3
4
5 I, KAREN E. HOIDA, CSR #7081, Notary
6 Public for the State, of California, certify:

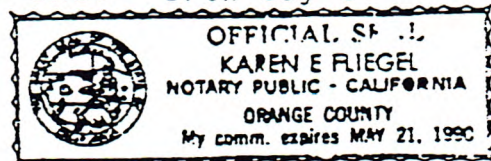
7 That the foregoing proceedings took
8 place before me at the time and place therein set
9 forth;

10 That the testimony of the witnesses and
11 all objections made at the time of the proceedings
12 were recorded stenographically by me and were
13 thereafter transcribed;

14 That the foregoing is a true and correct
15 transcript of my shorthand notes so taken.

16 I further certify that I am neither
17 counsel for nor related to any party to said action
18 nor in anywise interested in the outcome thereof.

19 IN WITNESS WHEREOF, I have subscribed
20 my name and affixed my seal this 17th day of
21 January, 1989.



22
23 *Karen E. Hoida*

24 Notary Public in and for the
25 State of California

DECLARATION OF JOSEPH A. YANNY

I, Joseph A. Yanny, make the following declarations from personal knowledge and could competently testify as set forth below if called upon to do so.

1. Declarant is a member in good standing of the California State Bar.

2. I am not an attorney in fact or of record in any case between Gerald Armstrong and any Church of Scientology entity, nor have I been consulted in that regard by either Scientology or Mr. Armstrong with respect to his litigation. I am informed that Mr. Armstrong has done quite well without me. I am informed that the court of appeals has recently issued an opinion on July 29, 1991 in that regard.

3. Mr. Armstrong has consulted me on literary matters involving questions of intellectual property. I decline to disclose the substance of that consultation further, but I will note, however, for the record, that that consultation had nothing at all to do with Scientology and had no relationship at all to anything I ever worked on for Scientology.

4. I have considered employing and have employed Mr. Armstrong as a paralegal from time-to-time in the past. I believe it would be inappropriate, if not illegal, to require that I not employ ex-Scientologists. Mr. Armstrong's views on Scientology should not cost him employment with my firm or elsewhere.

5. In addition, Mr. Armstrong is a potential witness in litigation I am contemplating against Scientology and in the Aznaran case. For example, Scientology has recently libeled me by

publishing materials that, among other things, falsely represent that I was found to be taking drugs and was "unable to maintain an acceptable level of performance and professional conduct." In the context of discussing the litigation, the libelous statement is made that, "Yanny proceeded to break attorney-client confidences." The litigation is described as, "concerning his breach of contractual agreement." (The text will be offered at the hearing.) These claims are libelous per se. I anticipate that Mr. Armstrong may be a witness in the resulting litigation. Mr. Armstrong and the undersigned share the common problem of having been sued maliciously by the plaintiffs herein and is a prospective witness in that regard.

6. I have reviewed the purported declaration of Marty Rathbun filed by plaintiffs in support of their request for injunctive relief. The declaration is essentially a fabrication. It is a false description of the conversations I had with Mr. Rathbun on that date. I address what was actually said below. At no time during those conversations did I make any "admissions" to Mr. Rathbun. I have not breached any remaining fiduciary duties, nor have I "confessed" any breaches to Reverend Rathbun. The allegations concerning Ken Rose are particularly bizarre. I have never even met Ken Rose and do not believe I have ever spoken to him. I do not know who he is or what he may doing to make himself a target. I certainly did not discuss him with Mr. Rathbun.

7. On the day in question, Friday, July 21, 1991, I had two discussions with Mr. Rathbun. The principal discussion took place in the courthouse cafeteria during the afternoon. Mr. Rathbun approached me and attempted to engage me in conversation. It is now

1 apparent that Mr. Rathbun was attempting to initiate a conversation
2 so that he could offer a false declaration as part of Scientology's
3 mission to attack and destroy the undersigned.

4 8. I also spoke with Mr. Rathbun for several minutes
5 outside the courthouse towards the end of the day. During this
6 brief conversation, Mr. Rathbun commented that this suit was a
7 "grand waste of time." He sarcastically commented, "Can you afford
8 it?" He then added that I was going to go through the same thing
9 again. When I asked him what he meant, his response was, "You
10 know," - an obvious reference to the ordeal of past litigation.
11 I commented to Mr. Rathbun that they were getting beaten in all of
12 the litigation, and that this would continue, because they were
13 criminal and that virtue does eventually triumph in the end. I also
14 remarked that I had seen them attempt to ruin a number of lawyers
15 previously employed by them under similar circumstances, i.e., Barry
16 Litt, Mike Levanus, etc. As to the comments alleged in Mr.
17 Rathbun's declaration, they simply did not occur.

18 9. Earlier in the day, Mr. Rathbun approached me in the
19 cafeteria and engaged me in conversation. He started by remarking
20 that I was "basically a good person" and that they could see to it
21 that I "came out of this okay." Mr. Rathbun then tried to disavow
22 or downplay certain criminal or inappropriate activities, such as
23 stealing medical records and break-ins. I told him to drop the PR
24 pitch, because I was there and knew better.

25 10. During this same conversation, Mr. Rathbun stated
26 that I needed to accept my responsibility for certain things. Mr.
27 Rathbun commented that, back when the relationship deteriorated,
28 "Everything was going south on us." I responded that if he would

1 look at the record he would note that I had obtained good results
2 for them. The problem was that I insisted on exercising my
3 professional judgment rather than blindly following their orders.
4 When I would not go along with some of their more questionable
5 activities or tactics, they questioned my loyalty more than the
6 quality of legal services..'

7 11. Mr. Rathbun also stated that I had to accept my
8 "overts" towards them. I indicated that I knew the whole point of
9 the exercise was to ruin me. Pursuant to "tech," they had to "dead
10 agent" me because I had disagreed with their criminal activities and
11 knew too much about them. Accordingly, it was necessary for them
12 to discredit me as a source of unfavorable information.

13 12. With respect to the Aznaran case, Mr. Rathbun's
14 declaration on this point is simply more fabrication or distortion.
15 I stated to Mr. Rathbun that what they had done to the Aznarans was
16 foul play. While they were telling the Aznarans that they wanted
17 to settle their case, in truth Scientology was poising to file
18 lengthy and complex summary judgment motions at a time when the
19 Aznarans were in propria persona. Scientology not only filed
20 hundreds of pages of moving papers when the Aznarans were in pro
21 per, they would not even stipulate to extensions of time for
22 responsive papers. Scientology was attempting to reap a windfall
23 by default in the courts. As an officer of the courts I was
24 compelled to test the issue of whether I could represent the
25 Aznarans.

26 13. Mr. Rathbun's response was reminiscent of the "Fair
27 Game" policy. He did not deny that they were playing dirty pool.
28 Mr. Rathbun commented that since the Aznarans had sued Scientology,

1 they deserved whatever treatment they received from Scientology.
2 I told Mr. Rathbun that as an officer of the court I felt a duty to
3 see to it that their dirty tricks did not bring about a miscarriage
4 of justice. I informed Reverend Rathbun that he, too, had a duty
5 to see to it that everyone obtained due process, and that this
6 included the Aznarans.

7 14. Mr. Rathbun remarked that I apparently expected him
8 to "go into agreement with the universe." I told him that he did
9 not have to go into agreement with the universe, but that he had to
10 deal with it and should do so within the rules. I told Reverend
11 Rathbun that despite some of his criminal attitudes, he really was
12 basically a good person and that if he ever came to his senses he
13 would no doubt find himself locked up in the desert for it, just
14 like Vicki was. I told him that if such a thing should occur, to
15 make sure he kept my telephone number in a safe place, because he
16 would be welcome in my house as a place of refuge.

17 15. During my conversations with Mr. Rathbun, I mentioned
18 the "RICO" case referred to in Paragraph 2(a) of Mr. Rathbun's
19 declaration. I mentioned to Mr. Rathbun that I had heard that
20 things were not going well for them in that case. I am aware that
21 the court has entered evidentiary sanctions for Scientology's
22 refusal to produce documents and apparent destruction of relevant
23 evidence. It has also come to my attention that Scientology has
24 suffered some serious set-backs recently in that case. These are
25 matters of public record, which are monitored by myself and others.
26 That Scientology would consider it inappropriate for me to know such
27 things only evidences their paranoia.

28 16. I am interested in such developments for several

1 reasons. First, Scientology has recently defamed me again by
2 asserting that I performed incompetently. I believe an examination
3 of events would reveal that the RICO case went well for Scientology
4 when I was working on it. Since my departure from the case,
5 Scientology's position has substantially deteriorated.

6 17. With respect to Mr. Rathbun's comments at Paragraph
7 2(c), this is a false repetition of the old claim that I am somehow
8 responsible for Bent Corydon's litigation. Mr. Corydon is a long-
9 time critic of Scientology and author of L. Ron Hubbard: Messiah or
10 Madman? I applaud Mr. Corydon for standing up to and exposing these
11 idiots. Mr. Rathbun's declaration on this point is simply another
12 fabrication. Further, the comments are somewhat strange in that it
13 is my understanding that Mr. Corydon has recently settled his
14 litigation with Scientology.

15 18. Contrary to the Rathbun declaration, I have not been
16 nor have I made representation that I have been coordinating and
17 agitating former church members to generate adverse publicity. This
18 again evidences their propensity to see conspiracies everywhere.
19 I certainly did not make such a claim to Mr. Rathbun.

20 19. I am not in a position to make most existing
21 adversaries of the church "go away." I did not make that claim to
22 Mr. Rathbun. Mr. Rathbun has apparently distorted our conversation
23 into whatever false statements he feels he needs to make in order
24 to succeed before this court and is acting in conformity with the
25 "Fair Game" policy previously recognized by this court in, as
26 Scientology calls it, the Yanny I litigation, and most recently by
27 the court of appeals in the Armstrong decision, which I will supply
28 a copy of to this court at the time of the hearing of this matter.

1 "Reverend" Rathbun is a Scientologist, perceives me as an enemy, and
2 consequently will lie, cheat, and do anything he needs to, per
3 policy, to destroy the undersigned. I can only explain the contents
4 of his declaration in that fashion. This court has previously dealt
5 with his testimony and should give it as much weight now as it did
6 then.

7 20. With respect to the Aznaran case in federal court,
8 I properly reacted to what I perceived to be a crisis situation
9 created by Scientology and previously documented to this court. I
10 would have preferred not to have become involved. However, it was
11 and is my professional opinion that as an officer of the court it
12 was appropriate for me to have entered an appearance in that case
13 and allow the appropriate "case-by-case" determination to be made
14 in the appropriate court. In the alternative, I was faced with a
15 possible miscarriage of justice occurring without the undersigned
16 even testing the water as to whether there was anything I could do
17 about it. It was and remains the right thing to have done under the
18 rather unusual and perverted circumstances confronting me. The
19 decision to test the issue was not taken lightly. I expected a
20 motion to disqualify me; however, I also expected an opportunity to
21 present my defenses to such a motion which, although unusual, are
22 substantial. Among other things, there has been a substantial
23 waiver of privilege by Scientology's attacks on and defamation of
24 the undersigned. The Aznaran case is not substantially related to
25 my previous work for Scientology. Unfortunately, Judge Ideman acted
26 without hearing any arguments or proof on the issues of waiver and
27 substantial relationship.

28 21. In many respects this is a tempest in a teapot. In

1 addition to being seen with Gerald Armstrong, I filed an appearance
2 in the Aznaran case. I sought an extension of time in which to
3 respond to summary judgment motions first from opposing counsel and
4 then from the court. I suggested to Mr. Quinn that they continue
5 the summary judgment hearings until such time as the Aznarans'
6 representation could be straightened out. Scientology declined that
7 most reasonable suggestion. Accordingly, I filed motions to obtain
8 extensions of time. Ultimately, the court revoked the substitution
9 of attorney and reinstated Ford Greene as counsel of record.
10 Presumably, Mr. Greene is responding to pending motions.

11 22. My appearance in the Aznaran case was so transitory
12 that I was personally never in possession of the file. Under the
13 circumstances, I never had an opportunity to do any work on the
14 merits of the case. No discovery or trial preparation was done
15 during my brief tenure as counsel of record.

16 I declare under penalty of perjury under the laws of the
17 State of California and the United States that the foregoing is true
18 and correct.

19 Executed on July 31, 1991, at Los Angeles, California.

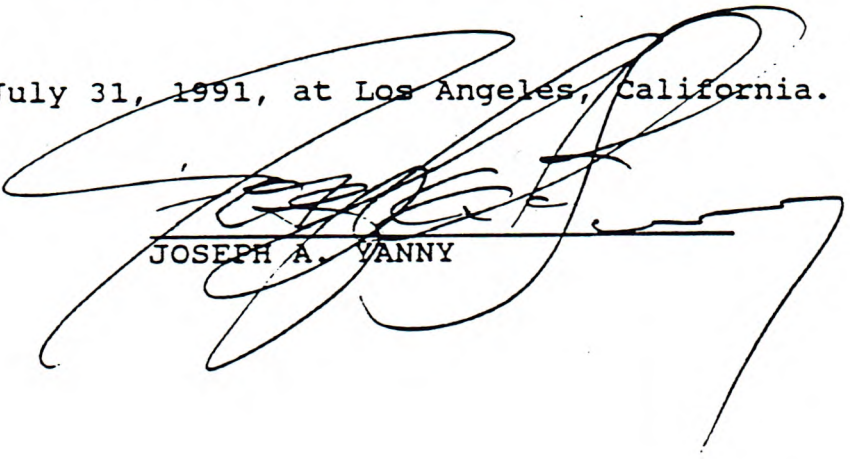
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22 JOSEPH A. YANNY
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EXHIBIT C

HUB LAW OFFICES
Ford Greene, Esquire
California Bar No. 107601
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

Attorney for Plaintiffs
VICKI J. AZNARAN and
RICHARD N. AZNARAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.
AZNARAN,

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, et al.,

Defendants.

AND RELATED COUNTER CLAIM

No. CV-88-1786-JMI(Ex)

PLAINTIFFS' EX PARTE
APPLICATION FOR AN ORDER
ALLOWING PLAINTIFFS TO
RESPOND TO ALL PENDING
MOTIONS ON OR BEFORE
AUGUST 26, 1991; MEMORANDUM
OF POINTS AND AUTHORITIES
AND DECLARATION OF FORD
GREENE IN SUPPORT THEREOF

Plaintiffs VICKI J. AZNARAN and RICHARD N. AZNARAN
(hereinafter "Plaintiffs" or "Aznarans") hereby apply to this
Court, ex parte, for relief in a number of regards all of which
pertain to the pending motions that have been filed by defendants
over the course of the past two months.

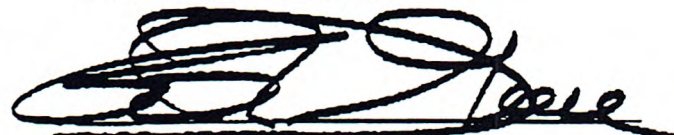
Plaintiffs base this Ex Parte Application on the fact that at
the time said motions were filed, plaintiffs either were without
counsel, with counsel who was subsequently disqualified and all
papers filed by him stricken, or in the process of obtaining new

1 counsel.

2 The legal basis for this Ex Parte Application is Federal Rule
3 of Civil Procedure 6 and Local Rule 7.3.2.

4
5 DATED: August 1, 1991

HUB LAW OFFICES

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8 FORD GREENE
Attorney for Plaintiffs

9 DECLARATION OF FORD GREENE

10 FORD GREENE declares:

11 1. I am an attorney licensed to practice law in the Courts
12 of the State of California, am admitted to practice before this
13 court and am the attorney of record for Vicki J. Aznaran and
14 Richard N. Aznaran, plaintiffs herein.

15 2. On June 7, 1991, I acceded to the request of plaintiffs
16 and executed substitutions of attorney whereby both plaintiffs, in
17 pro per, were substituted in my place and stead.

18 3. On July 1, 1991, plaintiffs jointly filed the
19 substitutions which placed them in pro per, with additional
20 substitutions whereby attorney Joseph A. Yanny became attorney of
21 record.

22 4. On July 24, 1991, the Court vacated all of the
23 substitutions, reinstated Ford Greene as attorney of record, and
24 ordered that cause be shown by August 2 if plaintiffs desired to
25 substitute counsel. Additionally, the Court ordered that all
26 motions thereafter had to be noticed no later than August 19, 1991,
27 and not exceed the 35 page limit.

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5. From June 19, through July 29, 1991 defendants served the following motions:

<u>Srvc. Date</u>	<u>Hrg. Date</u>	<u>Nature of Motion</u>	<u>Pages of Memo</u>	<u>Pages of Exhibits</u>
6/19/91	7/22/91	Summary Judgment Statute of Limitations	50 plus 22 page sep. statement	658
7/5/91	8/5/91	Summary Judgment First Amendment	98 plus 16 page sep. statement	926
7/29/91	8/19/91	Exclude expert's testimony	35	405
7/29/91	8/19/91	Sep. trial on issue of releases	16	114
7/29/91	8/19/91	To Dismiss	31 plus 6 page sup. brief	303
7/29/91	8/19/91	To Strike	11	15

6. Thus, while the Aznarans have been making efforts to find counsel possessing the requirements to try this extraordinary case, defendants have filed six motions the memoranda of which total 285 pages and the exhibits to which total 2,421 pages. This truly is an phenomenal amount of activity, particularly when the Aznarans' legal representation was, at best, unstable.

7. The first motion (for summary judgment on statute of limitations issues that is 72 pages in length) was filed shortly after the Aznarans were in pro per. The second motion (for summary judgment on First Amendment grounds that is 114 pages in length) was filed shortly after Yanny's interjection into the case. Without addressing the merits of any of the motions, the sheer size and timing thereof could not help but to stress plaintiffs' ability to prosecute their causes of action against defendants to the maximum.

8. On July 3, 1991, attorney Yanny on plaintiffs' behalf sought an ex parte order continuing the hearing on the statute of

1 limitations summary judgment motion for "at least sixty (60) days."
2 Plaintiffs' opposition thereto was to be filed and served on or
3 before July 8.

4 9. On July 9, 1991, attorney Yanny on plaintiffs' behalf
5 sought another ex parte order continuing the hearing on the First
6 Amendment summary judgment motion. Plaintiffs' opposition thereto
7 was to be filed and served on or before July 22.

8 10. I first became aware of the Court's Order reinstating me
9 as attorney of record on July 26. At that time, I was aware that
10 plaintiffs were in contact with Mr. Elstead with whom I understood
11 plaintiffs to be in negotiations to act as counsel in this case.
12 (The Court is respectfully requested to consider the Declarations
13 of Ford Greene, John Clifton Elstead, Vicki J. Aznaran and Richard
14 N. Aznaran filed in conjunction with the Association of Counsel
15 filed concurrently herewith.)

16 11. On July 31, 1991, I met with Mr. Elstead and, with
17 plaintiffs' concurrence, we determined not to substitute me out and
18 Mr. Elstead in as attorney of record, but to associate him as trial
19 counsel. On the same day I obtained the case file from Mr. Elstead.
20 The file had been out of my possession ever since I had Federal
21 Expressed it to Los Angeles on June 27. Also on that date I spoke
22 with Tammy, the Court's clerk who advised me that the Court had
23 stricken all papers filed by Joseph A. Yanny as being moot in light
24 of the Court having vacated the Yanny substitution. Thus, the Court
25 would not be ruling on the ex parte applications, submitted by Mr.
26 Yanny, regarding defendants' two pending summary judgment motions.
27 Regretably, at that point, the time within which plaintiffs'
28 oppositions thereto should have been filed had expired.

1 12. Prior to the exclusion of Yanny from the case,
2 plaintiffs' ex parte requests for continuances of the hearing dates
3 regarding the summary judgment motions were submitted in a timely
4 fashion. With the vacation of the Yanny substitution having
5 occurred after the date for opposition had passed, however, in
6 consequence the Aznarans now stand in default.

7 13. With respect to the motions noticed for August 19, the
8 oppositions thereto shall be served and filed on or before Monday,
9 August 5, 1991.

10 14. There is no possible way that I can oppose the pending
11 motions by August 5, not to mention the motions for summary
12 judgment.

13 15. Based on the circumstances described above, plaintiffs
14 respectfully request that they be allowed to and including August
15 26, 1991, to file their oppositions to all pending motions. While
16 plaintiffs in all practicality would need more time to effectively
17 oppose the motions, plaintiffs recognize that to ask for anything
18 more would intrude way too far into the Court's capacity to
19 consider the motions within the limit set by the September 16 Pre-
20 Trial Conference and the October 15 Trial Date.

21 16. On this date I spoke with Laurie Bartilson, attorney for
22 defendants, who advised me that defendants oppose the instant Ex
23 Parte Application. Additionally, I left word with Julie, the
24 secretary for attorney John Quinn, and advised her that I would be
25 seeking relief through the instant application.

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FORD GREENE, ESQUIRE
711 SIX FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1940
(415) 258-0360

1 Under penalty of perjury pursuant to the laws of the State of
2 California I hereby declare that the foregoing is true and correct
3 according to my first-hand knowledge, except those matters stated
4 to be on information and belief, and as to those matters, I believe
5 them to be true.

6 Executed on August 1, 1991, at San Anselmo, California

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9 FORD GREENE

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11 MEMORANDUM OF POINTS AND AUTHORITIES

12 As set forth above, extraordinary circumstances exist which
13 have resulted in the Aznarans being in default as to two summary
14 judgment motions, and at the threshold of default concerning the
15 remaining four motions. Thus, the Aznarans' failure to file papers
16 in opposition to the two pending summary judgment motions "may be
17 deemed by the Court [as] consent to the granting of the motion."

18 Local Rule 7.9.

19 This Court has the authority pursuant to the Federal Rules or
20 the Local Rules to enlarge time before or after the date by which
21 opposition papers are to have been filed. F.R.Civ.P. 6, Local Rule
22 7.3.2.

23 Plaintiffs thus respectfully request, based upon the
24 procedural history of this case over the course of the past two
25 months, the Court grant their application and issue its order
26 allowing plaintiffs to file opposing papers to all outstanding
27 motion provided that such papers be filed and served on or before
28 August 26, 1991.

1 DATED: August 1, 1991

HUB LAW OFFICES

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4 FORD GREENE
Attorney for Plaintiffs

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FORD GREENE, Esquire
711 SIX FRANCIS DRANE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1949
(415) 288-0860

29

DECLARATION OF SAM BROWN

1
2 I, Sam Brown, hereby declare:

3 1. I am over the age of eighteen. I am a licensed
4 private investigator in northern California. I run an
5 investigation firm called Sam Brown and Associates. I
6 have personal knowledge of the facts set forth below,
7 except as stated to be on information and belief, and as
8 to those facts, I believe them to be true. If called
9 upon to do so, I could and would competently testify
10 thereto.

11 I ran a surveillance outside the law offices of
12 Ford Greene at 711 Sir Francis Drake Boulevard, San
13 Anselmo, California during the period from August 15
14 through August 21, 1991. I have been informed and
15 believe that Greene is the attorney for plaintiffs in the
16 case of Aznaran v. Church of Scientology of California,
17 et al., Case No. CV 88-1786 JMI (Ex) in Los Angeles
18 Federal court.

19 3. During the course of this surveillance, a white
20 male having long brown hair tied back in a pony tail, was
21 observed entering and leaving the Greene law offices each
22 day from the 15th through the 21st. This man spent most
23 of the day at the offices. He was also observed bringing
24 in boxes from Kinko's copy center.

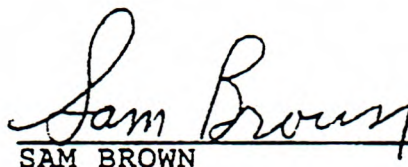
25 4. This individual was videotaped entering and
26 leaving the building and standing in front of it on

1 | several different days. Some portions of the video have.
2 | been printed as still photographs and are attached hereto
3 | as exhibit A.

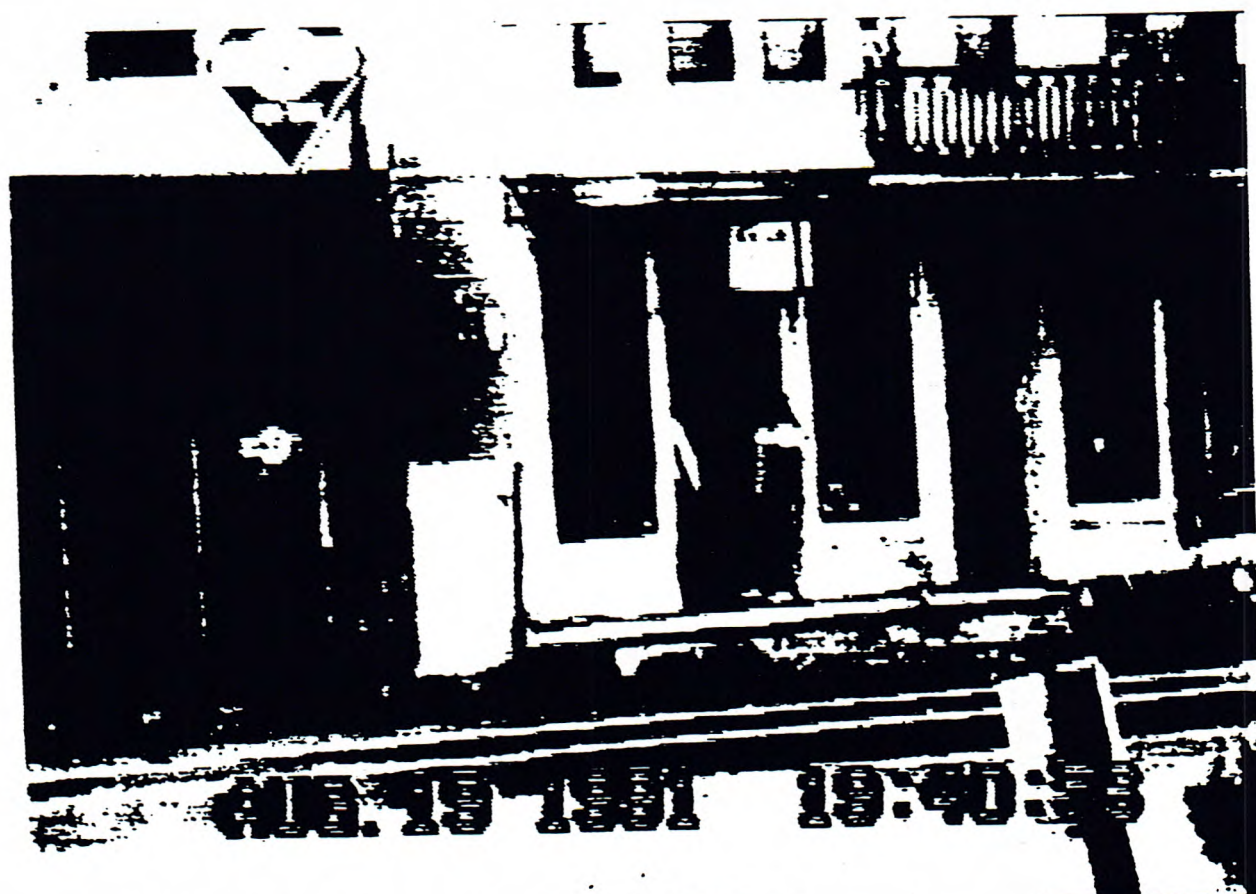
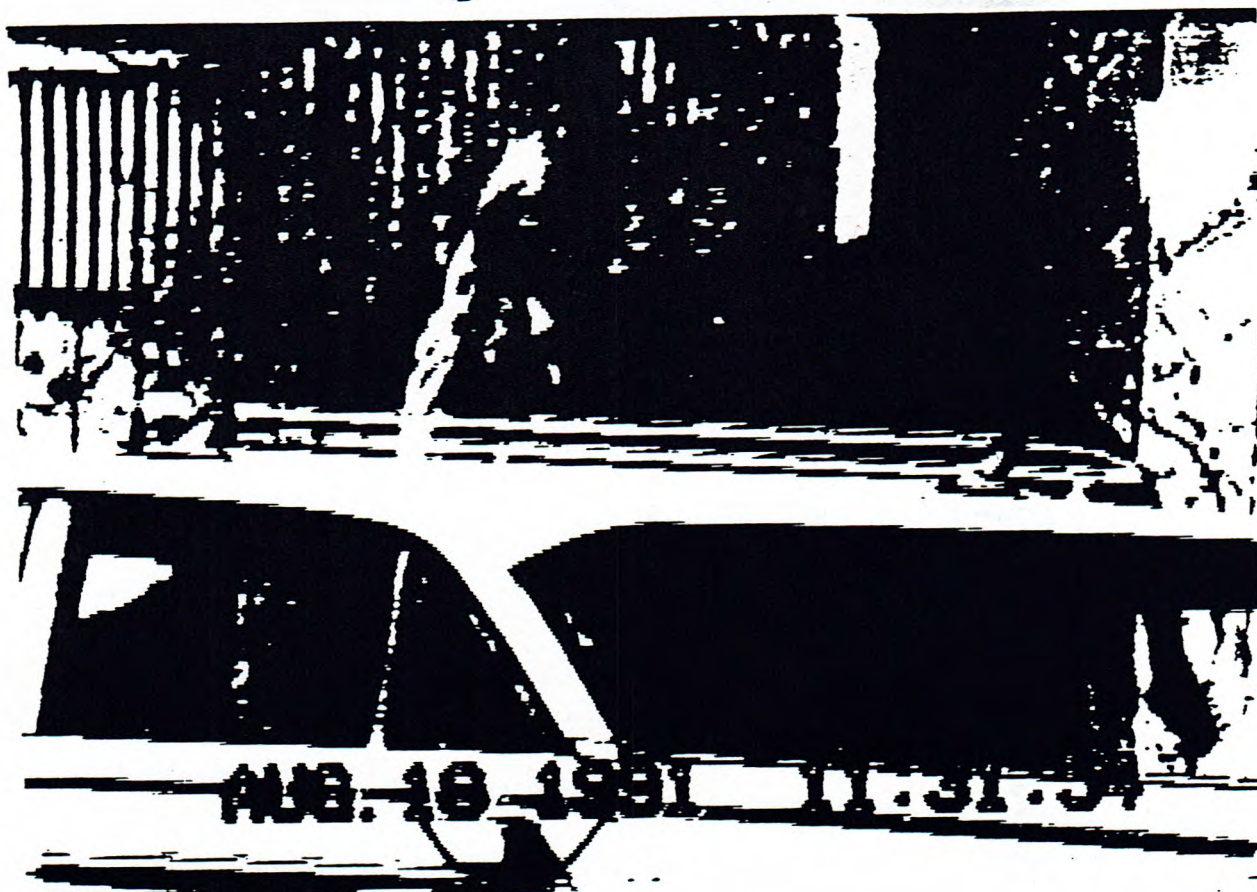
4 | 5. I was informed by the law firm which represents
5 | some of the defendants in the Aznaran case that the man
6 | in these photographs is an individual known as Gerald
7 | Armstrong.

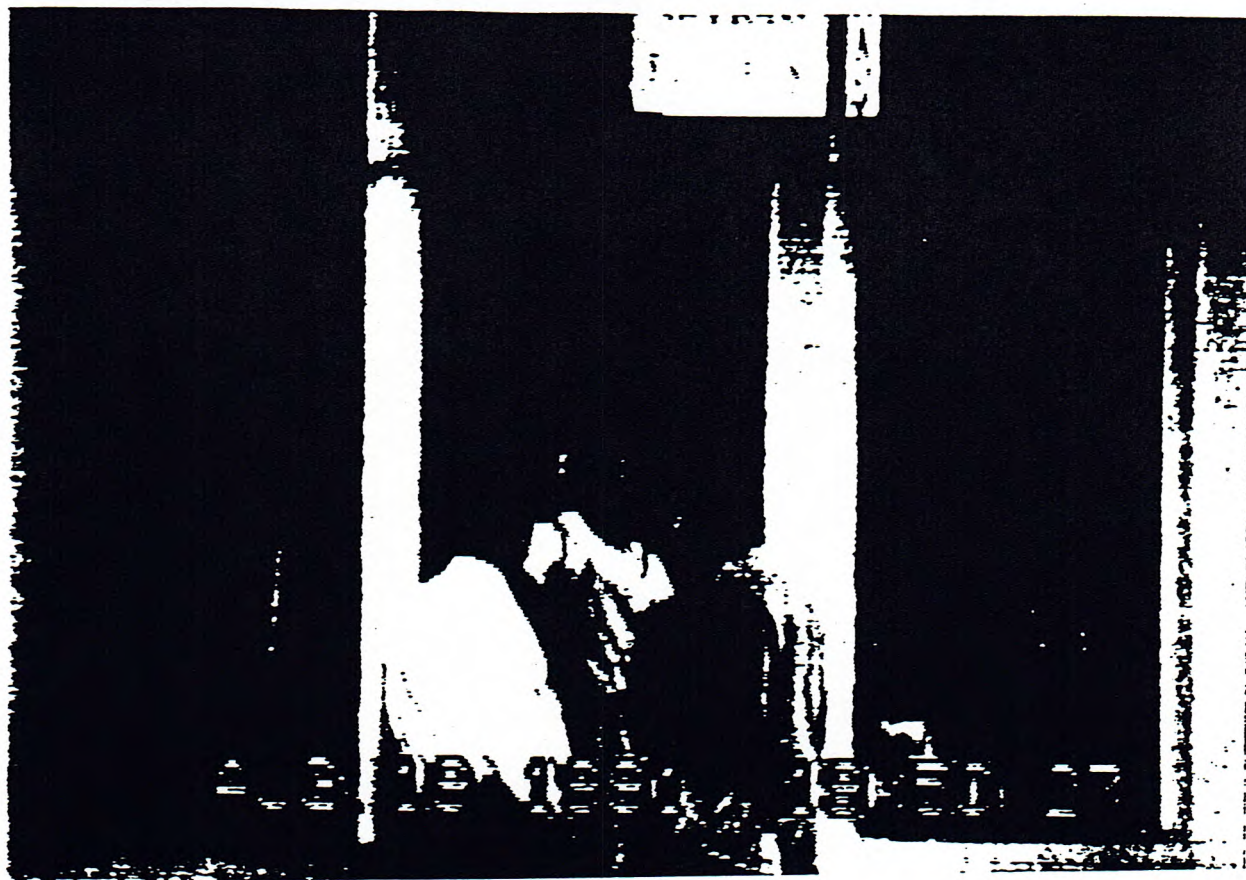
8 | I declare under penalty of perjury that the
9 | foregoing is true and correct.

10 | Executed at San Francisco, California the 26th day
11 | of August 1991.

12 | 
13 | SAM BROWN



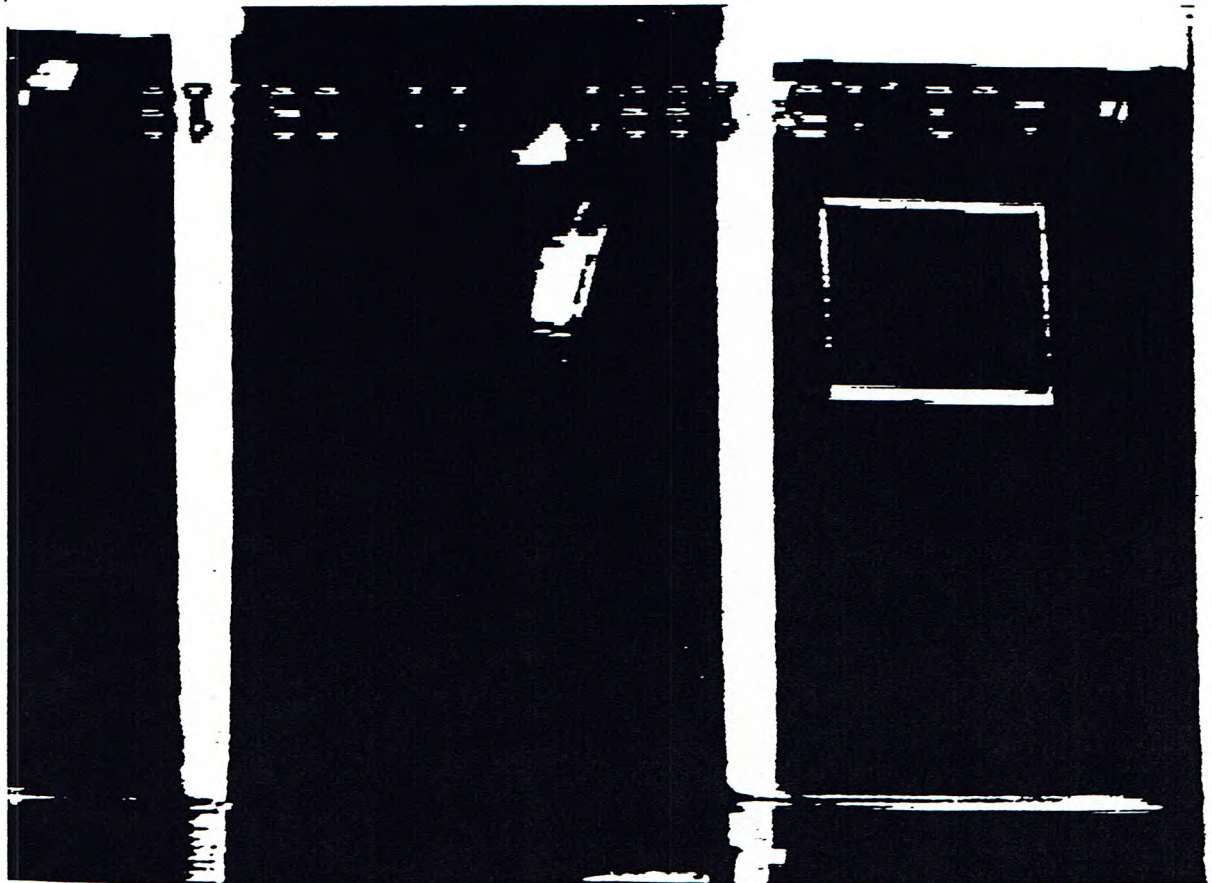






AUG. 20 1991 12:20:20



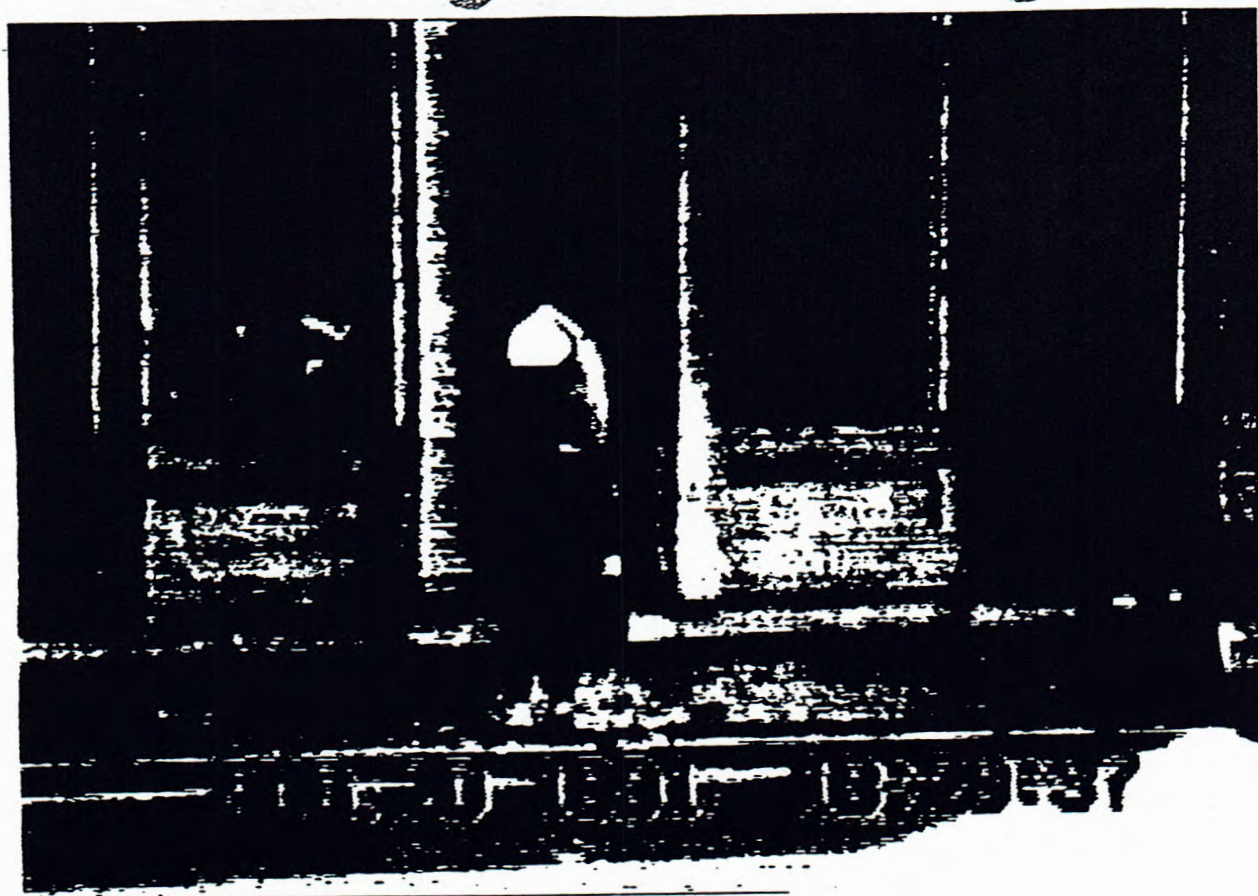




AUG. 20 1991 12:32:13



AUG. 20 1991 18:27:16



DECLARATION OF LYNN R. FARNY

I, Lynn R. Farny, do declare:

1. I am over 18 years of age and make this declaration of my own personal knowledge and for those matters stated upon information and belief, I believe them to be true and accurate. If called as a witness to testify as to the matters herein, I could and would do so competently.

2. I am corporate Secretary of the Church of Scientology International ("CSI"), a California religious corporation.

3. I have reviewed the photographs which are attached to the declarations of Sam Brown and Thorn Smith, Exhibits D and I to the Supplemental Memorandum in Support of Motion to Dismiss the Complaint. I recognize the individual in the photographs attached to the Smith declaration as John Koresko and the individual in the photographs attached to the Brown declaration as Gerald Armstrong.

4. I am well familiar with Gerald Armstrong, as I have worked in the legal department of CSI since 1984, and prior to that in the legal department of Church of Scientology of California ("CSC"). I have actively followed the events occurring during that time in lawsuit against Gerald Armstrong by CSC regarding his theft of private documents belonging to the Founder of the Scientology religion.

5. I am also well familiar with John Koresko, who was office manager and later a paralegal for Joseph A. Yanny, CSI's former attorney, during the time that Yanny represented

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1 CSI and afterwards, when CSI and CSC sued Yanny for his
2 breaches of fiduciary duties.

3 6. That Armstrong is amenable to the kind of covert
4 representation in which Yanny is engaging in this case is
5 highlighted by his recorded remarks made in November 1984. At
6 that time, Armstrong was plotting against the Scientology
7 Churches and seeking out staff members in the Church who would
8 be willing to assist him in overthrowing Church leadership. The
9 Church obtained information about Armstrong's plans and,
10 through a police-sanctioned investigation, provided Armstrong
11 with the "defectors" he sought. On November 30, 1984, Armstrong
12 met with one Michael Rinder, an individual whom Armstrong
13 thought to be one of his "agents" (but who in reality was loyal
14 to the Church). In the conversation, recorded with written
15 permission from law enforcement, Armstrong stated the following
16 in response to questions by Mr. Rinder as to whether they had
17 to have actual evidence of wrongdoing to make allegations
18 against the Church leadership:

19 ARMSTRONG: They can allege it. They can allege
20 it. They don't even have -- they can allege it.

21 RINDER: So they don't even have to -- like -- they
22 don't have to have the document sitting in front
23 of them and then --

24 ARMSTRONG: Fucking say the organization destroys
25 the documents.

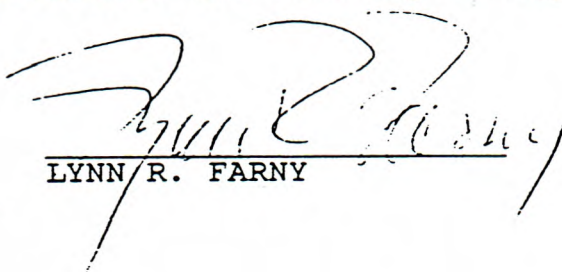
26 * * *

27 Where are the -- we don't have to prove a goddamn
28 thing. We don't have to prove shit; we just have

1 to allege it.

2 I declare under penalty of perjury under the laws of the
3 State of California that the foregoing is true and correct.

4 Executed in Los Angeles, California the 26th day of August
5 1991.

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8 LYNN/R. FARNY
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DECLARATION OF LAURIE J. BARTILSON

I, LAURIE J. BARTILSON, hereby declare and state:

1. I am co-counsel of record for plaintiffs in the case of Aznaran v. Church of Scientology of California, et al., Case No. CV 88-1786 JMI(Ex). I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify thereto.

2. On August 19, 1991, I called the offices of Ford Greene, counsel for plaintiffs in this case, to arrange to have a courier pick up several oppositions which plaintiffs were due to file that day.

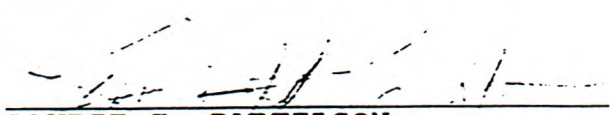
3. The person who answered the telephone in Mr. Greene's office identified himself as Gerald Armstrong. When queried, Armstrong stated that he was at Greene's office "helping out." I recognized that Armstrong was a person who has been a long-term litigation adversary of my client, Church of Scientology of California, having been sued for conversion of documents belonging to the Church's Founder.

4. In addition, in a case pending in Los Angeles Superior Court, Religious Technology Center, et al. v. Yanny, Case No. BC 033035. Armstrong and Joseph Yanny have both filed declarations under penalty of perjury that Armstrong was hired by Yanny as a paralegal to work on this case. (Ex. B, Declaration of Joseph A Yanny, July 31, 1991, para. 4; Ex. H, Declaration of Gerald Armstrong, July 19, 1991, para. 4). Even though Yanny protested its issuance, partially on the ground that Armstrong was his paralegal in this case (Ex. G, Transcript of August 6, 1991, at 25), Yanny was preliminarily

1 enjoined in that case from directly or indirectly acting as
2 counsel against defendants on behalf of either the Aznarans or
3 Gerald Armstrong.

4 I declare under the penalties of perjury under the laws of
5 California and the United States of America that the foregoing
6 is true and correct.

7 Executed this 7th day of August at Los Angeles, California.

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11 LAURIE J. BARTILSON
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 41

HON. RAYMOND CARDENAS, JUDGE

RELIGIOUS TECHNOLOGY CENTER, A)
CALIFORNIA NON-PROFIT RELIGIOUS)
CORPORATION; CHURCH OF SCIENTOLOGY)
INTERNATIONAL, A CALIFORNIA NON-PROFIT)
RELIGIOUS CORPORATION; AND CHURCH OF)
SCIENTOLOGY OF CALIFORNIA, A)
CALIFORNIA NON-PROFIT RELIGIOUS)
CORPORATION,)

PLAINTIFFS,)

VS.)

JOSEPH A. YANNY, AN INDIVIDUAL;)
JOSEPH A. YANNY, A PROFESSIONAL LAW)
CORPORATION; AND DOES 1 THROUGH 25,)
INCLUSIVE,)

DEFENDANTS.)

SUPERIOR COURT
CASE NO. BC 033035

REPORTER'S TRANSCRIPT

AUGUST 6, 1991

APPEARANCES:

(AS NOTED ON NEXT PAGE.)

COPY

LINDA STALEY, CSR NO. 3359
OFFICIAL REPORTER

APPEARANCES:

FOR PLAINTIFF CHURCH
OF SCIENTOLOGY:

QUINN, KULLY & MORROW
BY: JOHN J. QUINN
520 SOUTH GRAND AVENUE
8TH FLOOR
LOS ANGELES, CALIFORNIA
(213) 622-0300

FOR PLAINTIFF RELIGIOUS
TECHNOLOGY CENTER:

WILLIAM T. DRESCHER
23679 CALABASAS ROAD
SUITE 338
CALABASAS, CALIFORNIA 91302
(818) 591-0039

FOR DEFENDANT JOSEPH
A. YANNY, INDIVIDUALLY:

CUMMINGS & WHITE
BY: BARRY VAN SICKLE
865 SOUTH FIGUEROA STREET
24TH FLOOR
LOS ANGELES, CALIFORNIA 90017
(213) 614-1000

FOR DEFENDANT JOSEPH
A. YANNY, A PROFESSIONAL
CORPORATION:

JOSEPH A. YANNY
1925 CENTURY PARK EAST
SUITE 1260
LOS ANGELES, CALIFORNIA 90067
(213) 551-2966

LOS ANGELES, CALIFORNIA

TUESDAY, 8-6-91 # 9:32 A.M.

DEPT. 41

HON. RAYMOND CARDENAS, JUDGE

APPEARANCES: (AS NOTED ON TITLE PAGE.)

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THE COURT: RELIGIOUS TECHNOLOGY CENTER VERSUS
YANNY.

THE MATTER IS HERE FOR HEARING ON THE
QUESTION OF THE PRELIMINARY INJUNCTION.

THE COURT HAS HERETOFORE SIGNED A TEMPORARY
RESTRAINING ORDER, JULY 31ST, AND AT THIS TIME, I WILL HAVE
THE PARTIES IDENTIFY THEMSELVES AND THEIR APPEARANCE.

MR. DRESCHER: GOOD MORNING, YOUR HONOR.

WILLIAM DRESCHER ON BEHALF OF THE PLAINTIFF
RELIGIOUS TECHNOLOGY CORPORATION.

MR. QUINN: JOHN QUINN ON BEHALF OF CHURCH OF
SCIENTOLOGY INTERNATIONAL.

MR. VAN SICKLE: BARRY VAN SICKLE ON BEHALF OF
JOSEPH A. YANNY, AN INDIVIDUAL.

MR. YANNY: AND JOSEPH A. YANNY ON BEHALF OF JOSEPH
A. YANNY, A PROFESSIONAL CORPORATION, YOUR HONOR.

THE COURT: THE COURT HAS BEFORE IT A QUESTION OF
WHAT, IF ANY -- WHETHER IT WILL ISSUE A PRELIMINARY
INJUNCTION OR NOT IN LIGHT OF CASE NO. BC 033035.

THE COURT HAS ISSUED THE TRO AS A STOPGAP
MEASURE. I'LL TELL YOU AT THE OUTSET THAT I THINK THAT
I'VE SIGNED IT FOR A TRO, BUT THAT IT'S TOO BROAD IN

1 NATURE, SO WE GET BACK TO THE FIRST ISSUE, HOWEVER, IS
2 WHETHER OR NOT ANY PRELIMINARY INJUNCTION SHOULD ISSUE.

3 TWO THINGS OCCUR HERE. THERE ARE TWO
4 PARTIES, NAMELY, THE QUESTION OF MR. YANNY REPRESENTING THE
5 AZNARANS AND MR. YANNY REPRESENTING MR. ARMSTRONG.

6 I MIGHT POINT OUT THAT IN YANNY I, AS IT'S
7 BEEN REFERRED TO -- AND YOU ALL KNOW THAT I'M REFERRING TO
8 THE OTHER CASE THAT WAS PRESENTED HERE IN COURT -- I'M NOT
9 GOING TO REPEAT IT, I'LL JUST REFER TO IT AS YANNY I --
10 YANNY I WAS, AMONG OTHER THINGS, A REQUEST BY PLAINTIFFS TO
11 PREVENT MR. YANNY FROM DISCLOSING SECRETS OR CONFIDENCES
12 THAT HE RECEIVED TO OTHERS, AND THE COURT RULED THAT THE
13 PLAINTIFF DID NOT PROVE ITS CASE, THAT IS, TO IDENTIFY THE
14 SECRETS OR THE CONFIDENCES THAT WERE BEING DISCLOSED, AND
15 THE COURT RULED THAT IT DID NOT, MEANING THE PLAINTIFFS,
16 DID NOT PROVE DAMAGE WITH RESPECT TO THAT.

17 THE PICTURE IS NOW CHANGED, AND PART OF THE
18 COURT'S OPINION IN YANNY I, THE COURT ALLUDED TO THE FACT
19 THAT MR. YANNY HAD SHOWN A PROPENSITY TO PERHAPS BE ON THE
20 BORDERLINE OF A BREACH OF A DUTY TO A FORMER CLIENT IN THE
21 OTHER CASE.

22 NOW, WHAT HAS TRANSPIRED IS THAT, FACTUALLY,
23 MR. YANNY REPRESENTED THE CHURCH, OR THE PLAINTIFFS, FOR A
24 PERIOD OF YEARS, AND THAT'S ADMITTED, AND AT THAT TIME, MS.
25 AZNARAN --

26 AND I FORGET HER HUSBAND'S NAME.

27 MR. YANNY: RICHARD.

28 THE COURT: -- RICHARD, WERE PART OF THE CHURCH, OR

1 THE PLAINTIFFS, AND SO NOW WE HAVE A SITUATION WHERE MR.
2 YANNY HAS ACTUALLY APPEARED FOR THE AZNARANS IN THE FEDERAL
3 COURT AGAINST THE PLAINTIFFS, WHICH BRINGS INTO PLAY
4 WHETHER OR NOT -- WHETHER THERE IS A REMEDY WHERE A LAWYER
5 IS REPRESENTING SOMEONE AGAINST A FORMER CLIENT, AND THE
6 QUESTION IS WHETHER OR NOT THAT'S IN VIOLATION OF THE RULES
7 OF PROFESSIONAL CONDUCT, RULE 33-310(D), AND ALSO RULES OF
8 PROFESSIONAL CONDUCT 6068, SUBDIVISIOIN (E).

9 THE PICTURE IS QUITE DIFFERENT THAN IN THE
10 FORMER CASE, BECAUSE, HERE, WE HAVE NO NEED FOR THE
11 PLAINTIFFS TO POINT OUT WHAT SPECIFIC SECRETS OR
12 CONFIDENCES ARE BEING DISCLOSED, BUT RATHER, IT'S PRESUMED
13 THAT THERE'S AN ADVERSE REPRESENTATION, AND THE ONLY ISSUE
14 THAT WE HAVE, AT LEAST RIGHT NOW, WOULD BE WHETHER THERE'S
15 A SUBSTANTIAL RELATIONSHIP BETWEEN WHAT YANNY DID, OR FOR
16 THE PLAINTIFFS, WHAT INTERESTS HE REPRESENTED, VERSUS WHAT
17 HIS INTERESTS ARE NOW AND WHAT INTERESTS ARE BEING
18 REPRESENTED IN THE AZNARAN CASE.

19 THE ARMSTRONG CASE IS SOMEWHAT DIFFERENT,
20 ALTHOUGH I THINK IT'S UNDISPUTED THAT YANNY REPRESENTED THE
21 PLAINTIFFS AGAINST ARMSTRONG AT SOMETIME -- AND MAYBE
22 THAT'S A WRONG ASSUMPTION -- MR. YANNY'S SHAKING HIS HEAD
23 -- BUT MR. YANNY, I BELIEVE, REPRESENTED THE PLAINTIFFS IN
24 MANY RESPECTS, AND IN PARTICULAR, I THINK BROUGHT OR WAS IN
25 CHARGE OF LEGAL ACTION PRESERVING THE COPYRIGHT INTERESTS
26 OF THE PLAINTIFFS AND OTHER INTERESTS.

27 SO THE QUESTION HERE IS WHETHER OR NOT A
28 RESTRAINING ORDER SHOULD BE MADE TO PRECLUDE MR. YANNY FROM

1 REPRESENTING ARMSTRONG, PRESUMPTIVELY, IF HE IS. THAT'S A
2 QUESTION, I THINK, MR. YANNY DENIES, BUT EVEN IF HE WAS, IS
3 THERE A MATERIAL OR SUBSTANTIAL RELATIONSHIP BETWEEN THE
4 INTERESTS THAT MR. YANNY HAD IN PROTECTING FOR THE
5 PLAINTIFFS AND THOSE THAT HE PURSUES OR IS ALLEGED TO BE
6 PURSUING FOR MR. ARMSTRONG?

7 IT'S A LONG-WINDED WAY OF SUMMARIZING WHERE
8 WE'RE AT, AND TO BEGIN WITH, MR. VAN SICKLE: IN LIGHT OF
9 MR. YANNY'S ADMITTED REPRESENTATION OF AZNARANS IN FEDERAL
10 COURT, WHY ISN'T THERE A VIOLATION OF THE RULES OF
11 PROFESSIONAL CONDUCT THAT SHOULD BE RESTRAINED?

12 MR. VAN SICKLE: WELL, SEVERAL REASONS.

13 ONE, AS THE COURT HAS RECOGNIZED, IF HE
14 REPRESENTS THE AZNARANS IN FEDERAL COURT, THEN THE
15 APPROPRIATE REMEDY IS FOR THEM TO GO IN AND DISQUALIFY THEM
16 -- MR. YANNY.

17 NOW, DISQUALIFICATION IS NOT PUNITIVE IN
18 NATURE, SO, THEREFORE, WHEN YOU'RE INVOLVED IN A
19 DISQUALIFICATION, THE BURDEN'S A LITTLE BIT DIFFERENT. THE
20 PRESUMPTIONS ARE DIFFERENT. THE PRESUMPTION OF, SAY,
21 DISCLOSING SECRETS, VARIOUS PRESUMPTIONS WORK IN THEIR
22 FAVOR IN A DISQUALIFICATION MOTION.

23 BUT THOSE SAME PRESUMPTIONS DO NOT OPERATE IN
24 A PRELIMINARY INJUNCTION, AND THAT MAKES SENSE. BECAUSE
25 WHEN YOU'RE GOING INTO COURT AND ASKING FOR
26 DISQUALIFICATION ON A CASE-BY-CASE BASIS, YOU'RE GOING THE
27 WAY YOU'RE SUPPOSED TO GO.

28 YOU COME INTO COURT ON A PRELIMINARY

1 CETERA, NOTHING TO DO WITH ADVERSE REPRESENTATION OF
2 SCIENTOLOGY. THEY DO NOT HAVE THE RIGHT --

3 THE COURT: MR. YANNY, I STATED THAT THE TRO WAS TOO
4 BROAD IN THAT IT IS THE COURT'S INTENT NOT TO PRECLUDE
5 ASSOCIATION, DISCUSSION, AND SO FORTH, AND I THOUGHT THAT
6 WOULD SEND THE MESSAGE THAT IF THERE WAS AN ORDER, IT WOULD
7 BE A LOT MORE NARROW THAN THE TRO THAT WAS SIGNED.

8 MR. YANNY: YOUR HONOR, BUT BASED ON THE STRENGTH OF
9 WHAT THEY'VE SHOWN; NOTHING?

10 AND WHAT YOU'RE GOING TO DO BY GIVING THESE,
11 THE MOST LITIGIOUS PEOPLE IN THE CITY OF LOS ANGELES, MAYBE
12 THE STATE OF CALIFORNIA, AND MAYBE THE UNITED STATES,
13 YOU'RE GOING TO GIVE THEM AN ORDER BY WHICH THEY ARE THEN
14 GOING TO HARASS EVERY ONE OF MY EMPLOYEES LIKE YOU SAW THEM
15 DO BEFORE, EVERY ONE OF MY CLIENTS, LIKE YOU SAW THEM DO
16 BEFORE.

17 OKAY. AND THAT, BASED ON THE STRENGTH OF
18 WHAT THEY SHOWED, YOU KNOW, IT IS -- I HATE TO SAY THIS --
19 THAT IS INEQUITABLE -- THAT IS INEQUITABLE -- AND ALL OF
20 THIS BECAUSE I DID ONE THING; I HIRED GERRY ARMSTRONG AS A
21 PARALEGAL TO HELP ME ON THE AZNARAN CASE?

22 THE COURT: NO. ALL BECAUSE --

23 MR. YANNY: I TOLD HIM ABOUT COPYRIGHT NOTICES AND I
24 MADE AN APPEARANCE IN A FEDERAL CASE AND THAT THE JUDGE
25 DISQUALIFIED ME.

26 I DON'T THINK AN ORDER IS APPROPRIATE. THIS
27 CASE SHOULD HAVE BEEN THROWN OUT WHEN YOU SAW THE
28 COMPLAINT.

Declaration of Gerald Armstrong

I, Gerald Armstrong, declare:

1. I have been advised by attorney Joseph A. Yanny that he has been sued by one or more Scientology entities, hereinafter referred to as "the organization," for inducing me to breach a settlement agreement I entered into with the organization in December 1986. I am making this declaration to show that this allegation is in every respect untrue.

2. I received a telephone call from Mr. Yanny to my answering machine on or about July 10, 1991. He left a message which simply said, "I need your help." I

called him back at which
 time he reiterated his request
 for my help and explained
 that because of organization
 machinery "which have
 been detailed in other de-
 tails by other parties, Rick
 and Vicki Olyman, plaintiffs
 and counter-defendants against
 the organization had their attorney,
 induced to give them to Mr.
 Ford there, and into the
 hands of some they had
 been to ensure they had
 legal representation. Mr. Janny
 also expressed during this
 conversation some personal
 concerns, which will remain
 private and confidential

between Mr. Yarny and me.

3. I told Mr. Yarny at that time that I would help and that I would travel to Los Angeles on July 12. & I asked him for five hundred dollars to cover my expenses, and told him he could consider it as purchase of stock in the Herald Armstrong Corporation (TGAC). I also counseled Mr. Yarny at that time regarding his personal spiritual difficulties. (TGAC is a California Corporation in which, although it bears my name and I am its active officer,

I own no stock.)

4. I did travel to Los Angeles, did stay at Mr. Yanny's home, did work in his office on July 15 and 16, and did write and execute a declaration on July 16 giving my knowledge of the effect of the December 1986 group settlement agreements on the ability of the Azranone and other individuals victimized by the organization to obtain proper legal representation. I also discussed with Mr. Yanny literary and

(5.)
artistic matters, areas of
the law, or a copyright
and trademark attorney, in which
he has expertise. The
majority of my time
with Mr. Yonny concerned
spiritual matters, an
area in which I have
expertise.

5. I refer this Court
to my declarations of
March 15, 1990 and December
25, 1990, and the exhibits
thereto. These declara-
tions detail the cir-
cumstances at the time
of the December 1986 set-
tlement and the many
instances subsequently

6
when I was attacked
or threatened by the
organization in violation
of the settlement agreements.
These declarations make it
very clear that I consider
I have a right to counter
the organization's attacks,
to speak out against
its policy of "fair game"
and assaults on the
basic rights of individuals,
and to assist those
whom I would depend
on for protection against
the organization's legal
and extra-legal might
and antisocial acts.
It is therefore the sy-

(7.)

organization itself which induced me, if I was induced by any human agency to do anything which the organization might consider a breach of the settlement agreement.

6. But more than a desire to protect myself or right the organization's unjust acts towards me, however, I helped Mr. Yanny for the simple reason that he asked. I will do the same for anyone. The organization is aware of this fact because it received my letter of

June 21, 1991, a copy of
 which will accompany
 this declaration as
 Exhibit 1, and acknowledged
 the letter's receipt in
 their letter of July 3, 1991,
 a copy of which will
 accompany this declaration
 as Exhibit 2. It is not
 only the right of all
 men to respond to requests
 for help, it is our essence.
 If I was induced, therefore,
 to help Mr. Yanny, or anyone
 else, it was our Creator
 who induced me. Mr. Yanny,
 unlike the organization, was
 not aware of my dedication
 to helping my fellow humans,
 did not know of my June

21, 1991 letter, so acted
in innocence. (9)

7. I do not ask for
or expect a fee for my
help, although generally
I do not refuse whatever
is given me. I know
that I am sustained
completely by the Great
Coordinator Who sends to
me whomever He wants me
to help. I therefore can-
not be induced by money
or whatever anyone can
offer me.

I declare under the
pain and penalty of perjury
under the laws of the
State of California that
the foregoing is true and

correct.

Executed this 19th day
of July at New York, New
York.



Gerald Armstrong

DECLARATION OF THORN SMITH

I, Thorn Smith, hereby declare:

1. I am over the age of eighteen. I am a licensed attorney in the state of California. I have personal knowledge of the facts set forth below, except as stated on information and belief, and as to those I believe them to be true. If called upon to do so, I could and would competently testify thereto.

2. On Saturday, August 3, 1991, I conducted a surveillance at the law offices of Ford Greene, the attorney for the plaintiffs in a federal case pending in Los Angeles, Aznaran v. Church of Scientology of California Case No. 88-1786 JMI (Ex). The address of his office is 711 Sir Francis Drake Boulevard, San Anselmo, California, which is a storefront in a two-story building.

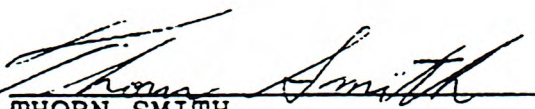
3. During the course of that morning, I observed a white male, who was driving a grey Cadillac, having a California tag reading "I MENSA," outside those law offices.

4. The man I saw took various boxes from the trunk of his car and brought them into Ford Greene's building, along with another unidentified white male.

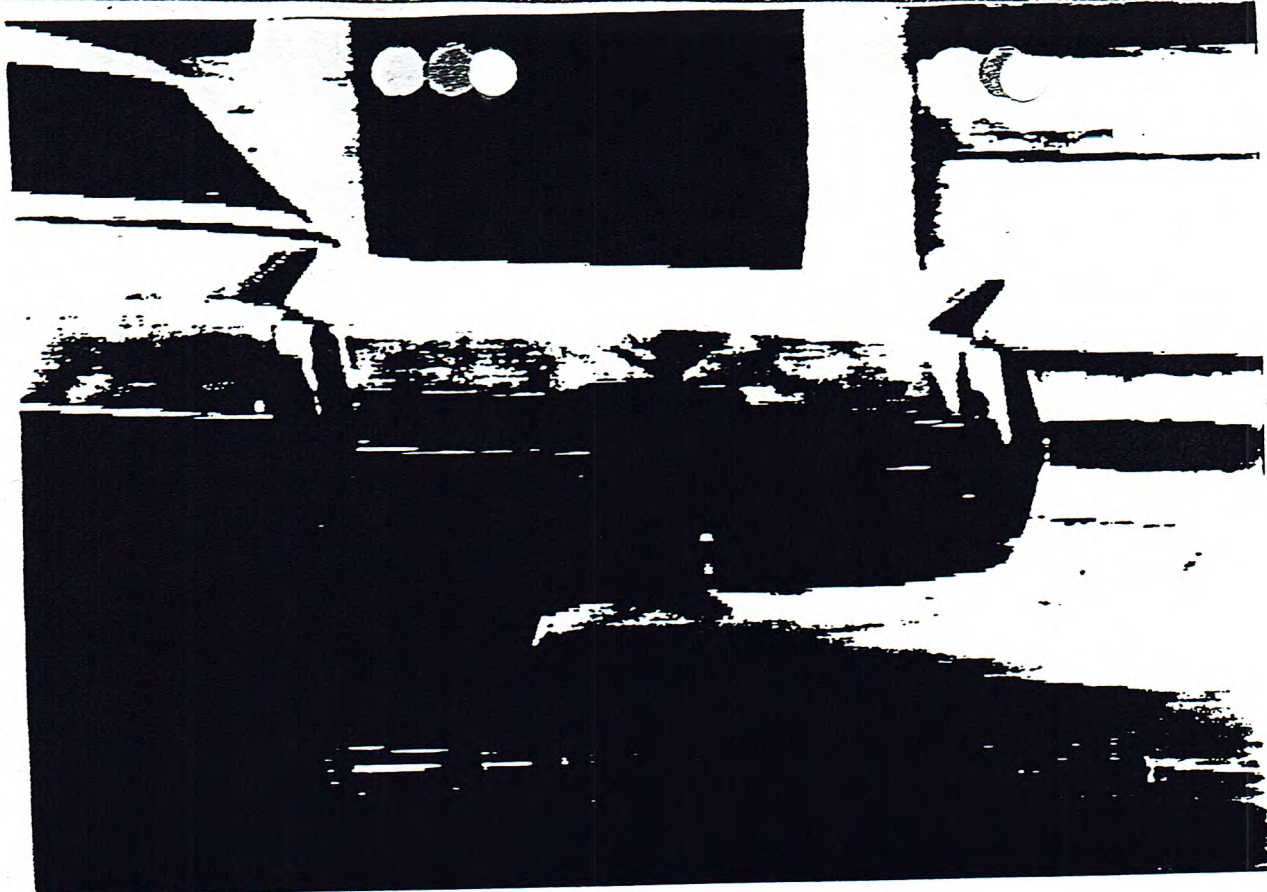
5. I have subsequently learned from counsel for the defendants in the Aznaran case that their client identified the owner of the grey Cadillac as being John Koresko.

1 I declare under penalty of perjury that the
2 foregoing is true and correct.

3 Executed at San Francisco, California the 26th day
4 of August 1991.

5 
6 THORN SMITH







DECLARATION OF EDWARD AUSTIN

I, Edward Austin, hereby declare:

1. I am over the age of eighteen. I am a licensed private investigator in northern California. I have personal knowledge of the facts set forth below, except as stated on information and belief, and as to those I believe them to be true. If called upon to do so, I could and would competently testify thereto.

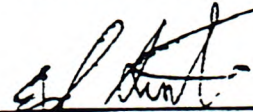
2. On Saturday, August 3, 1991, I conducted a surveillance at the law offices of Ford Greene, the attorney for the plaintiffs in a federal case pending in Los Angeles, Aznaran v. Church of Scientology of California, Case No. CV 88-1786 JMI (Ex). The address of his office is 711 Sir Francis Drake Boulevard, San Anselmo, California, which is a storefront in a two-story building.

3. During the course of that day, I observed an old, grey Cadillac, having a California tag reading "I MENSA," pull up outside of the office at 5:14 p.m. I saw a dark haired man get out of the car and go into Ford Greene's office. The Cadillac remained parked outside Mr. Greene's office until 10:25 p.m.

4. I have subsequently been informed by counsel for the defendants in the Aznaran litigation that their client identified the grey Cadillac as belonging to John Koresko.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Marina County, California the 26 day of August 1991.


EDWARD AUSTIN

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

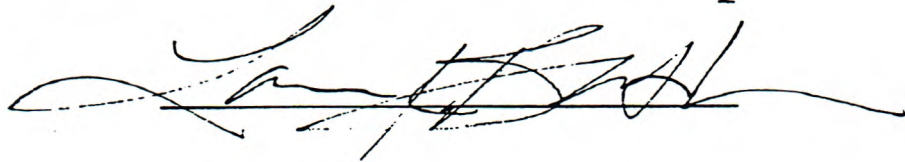
I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, California 90028.

On August 26, 1991, I caused to be served the foregoing document described as SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS COMPLAINT WITH PREJUDICE; DECLARATIONS OF SAM BROWN, THORN SMITH, EDWARD AUSTIN, LYNN R. FARNY AND LAURIE J. BARTILSON on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Hollywood, California, addressed as follows:

Ford Greene
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

If hand service is indicated on the above list, I caused the above-referenced paper to be served by hand.

Executed on August 26, 1991 at Hollywood, California.

A handwritten signature in black ink, appearing to read 'Ford Greene', written over a horizontal line.